

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 5. This sheet replaces the original sheet including Figure 5.

Attachment: Replacement Sheet

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated May 22, 2009 and the Advisory Action dated July 28, 2009. Claims 1, 5, 9, 12 to 15, 18 to 21, 25, 29, 34, 38, 43, 45, 49, 51, 55, 56, 59, 63, 67, and 68 have been amended. Claims 10 and 16 have been cancelled. Claims 30 and 41 were previously canceled. No new matter has been added by these amendments. A Request for Continued Examination is submitted herewith. Please charge deposit account number 02-1818 for the cost of this Request for Continued Examination, and for any fees associated with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Applicant requests that the Examiner allow the application or provide an upcoming Office Action which will "... identify any claims which he or she judges, as presently recited, to be allowable and/or ... suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action objected to the drawings, specifically Figure 5, step 122 under 37 CFR 1.121(d) as being defective. Applicant has corrected the previously filed drawing sheet, and respectfully submits a new drawing sheet. Accordingly, Applicant submits that this objection has been overcome.

The Office Action rejected Claims 1, 5, 29, 34, 51, and 63 (and claims dependent thereon) under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Specifically, in reference to the previously presented language of Claim 1 that the award being separate from any value associated with any of the locations the symbol is moved to, page 3 of the Office Action stated that the "specification does not support this new feature." Applicant respectfully disagrees and traverses this rejection.

Applicant submits that the specification describes an award separate from any value associated with any of the locations in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed subject matter. Specifically, paragraph 74 of the specification states:

In one embodiment, the player is not provided any award associated with each location the player symbol is moved to, but rather the player is provided an award based on the number or amount of locations the symbol is moved to before the game ends. In this embodiment, the greater the number of locations the player symbol is moved to during the play of the game, the greater the award provided to the player at the end of the game. For example, if the player symbol is moved to four locations before player symbol reaches the destination location, the player is provided an award of ten credits. On the other hand, if the player symbol is moved to eight locations before the player symbol reaches the destination location, the player is provided an award of fifty credits. In another embodiment, the player is provided an award for the amount of different locations the symbol is moved to before the game ends. In an alternative embodiment, the less locations the player's symbol moves to before reaching the destination location, the greater the award that will be provided to the player. In this embodiment, the player's objective is to reach the destination location with as little moves as possible because the less moves it takes to reach the destination location, the greater the award. (Emphasis added)

Accordingly, Applicant submits that the specification supports such claimed elements and that this rejection should be withdrawn.

The Office Action rejected Claims 1, 5, 29, 34, 51, and 63 (and claims dependent thereon) under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention respectively. Specifically, page 4 of the Office Action stated that:

claim 1 recites that the gaming device is programmed to "provide a player an award based on the number of locations the symbols is moved to before the symbol moves to the first location, said award being separate from any value associated with any of the locations the symbol is moved to." . . . The first portion of the claim quotation (which is not underlined) indicates that an award is provided *based upon the number of locations that the symbol lands on*. This feature implies that there must be some value associated with those locations in order to generate an award based upon the number of locations. Therefore, it is simply not possible to qualify the award as "being separate from any value associated with any of the location the symbol is moved to." (Emphasis in original).

Applicant respectfully disagrees and traverses this rejection.

Applicant submits that the previously presented claim language distinctly claims the subject matter which Applicant regards as the invention. Applicant submits that it

appears that the Office Action is misreading this claimed element. This feature does not imply that there must be some value associated with those locations in order to generate an award based upon the number of locations. For example, as described in paragraph 74 of the specification:

if the player symbol is moved to four locations before player symbol reaches the destination location, the player is provided an award of ten credits. On the other hand, if the player symbol is moved to eight locations before the player symbol reaches the destination location, the player is provided an award of fifty credits.

Nevertheless, Applicant has amended this claimed element to overcome this apparent interpretation and this rejection. Accordingly, Applicant submits that the specification supports such claimed elements and that this rejection should be withdrawn.

The Office Action rejected Claims 1 to 29, 31 to 40, 42 to 52, 55, 56, 59, 60, 63, 64, 67, and 68 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,767,283 to Weiss ("Weiss") in view of U.S. Patent No. 6,409,172 to Vancura ("Vancura"). Applicant disagrees with and traverses these rejections. Additionally, Applicant has amended certain of the claims for clarity.

Weiss discloses a gaming device having "a primary display and a plurality of symbols on the primary display which leads to a first bonus . . . [t]he first bonus is a serpentine path over which a character must traverse in order to achieve a second bonus." Weiss, Abstract. Specifically, column 1, lines 50 to 64 of Weiss discloses:

[a] first bonus event involves a playing path that a simulated character such as a dog is required to traverse. The number of steps that the simulated character takes is determined by a spinner located in a video screen which the player activates, preferably by touching. In this first bonus event, preferably a certain number of spins are allocated the player. Each time the character lands on a spot on the path which correlates to a credit value, that credit value is posted to the player's account. (Emphasis added).

Vancura discloses a gaming device that "establish[es] a plurality of paths, each of which have a plurality of squares including a start square, an end square, and a plurality of value squares. . . awarding the player the values associated with squares landed upon." Vancura, Abstract. More specifically, column 7, lines 41 to 47 of Vancura discloses that:

certain squares may allow players to acquire items that may later be exchanged for value. For example, consider a dessert-themed game in which predetermined squares allow the player to accumulate scoops of ice cream. Upon completion of the path, the player may receive an additional award based upon the number of scoops of ice cream collected.

Amended independent Claim 1 includes, among other elements: at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with at least one input device and the display device, for each play of a game, to: (a) cause the symbol to move to one of the locations along the path toward the first location, (b) each time the symbol moves to the at least one location associated with the setback condition, relocate the symbol to one of the locations along the path further from the first location, (c) determine a number of each of the locations the symbol has moved to, (d) repeat (a) to (c) until the symbol moves to the first location, and (e) provide a player an award based on the determined number of locations the symbol is has moved to before the symbol moves to the first location, the award being separate from any value which is associated with any of the locations prior to the symbol is being moved to any of the locations.

Page 11 of the Office Action stated:

Weiss lacks in explicitly teaching the repetition *within the same play of a game* of the steps of (a) causing the symbol to move to at least one location along the path toward the first location . . . and (b) relocate the symbol to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition . . . *until the symbol moves to the first location.* (Emphasis in original).

The Office Action concluded that:

[i]t would have been obvious to one of ordinary skill in the art at the time of invention to modify Weiss to include the non-terminating setback condition of Vancura in order to provide players a chance to continue playing the bonus game even though the player's symbol has experienced a setback condition.

Moreover, in relying on Vancura, page 11 to 12 of the Office Action stated:

certain squares may allow players to acquire items that may later be exchanged for value. This teaching of Vancura suggests that the player be awarded based not only upon the number of credits shown on individual squares. . . but also awarding the player an additional award based on the number of squares that the symbol. . . lands upon. This teaching is interpreted to be an award that is *separate from* the value associated with the locations. (Emphasis in original).

Applicant submits that Vancura fails to cure the deficiencies of Weiss at least because Vancura does not anticipate a gaming device which causes a processor, for each play of a game, to provide a player an award based on the determined number of locations a symbol has moved to before the symbol moves to a first location, the award being separate from any value which is associated with any of the locations prior to the symbol being moved to any of the locations.

For example, in Vancura, if the movable indicia (interpreted by the Office Action as the symbol of Independent Claim 1) lands on a predetermined square, the player accumulates a scoop of ice cream. In Vancura, the player may later exchange the accumulated scoops of ice cream for a value. Under this interpretation of Vancura, the player only accumulates a scoop of ice cream when the movable indicia lands on one of the predetermined squares associated with a scoop of ice cream. Thus, in Vancura, a movable indicia may land on a square other than a predetermined square associated with a scoop of ice cream, and no scoops of ice cream would be accumulated for the player. That is, in Vancura, each time the movable indicia moves to a location that is not a predetermined square associated with a scoop of ice cream, the number of scoops of ice cream accumulated does not increase. Hence, Vancura does not count each location visited by the movable indicia in the determination of the additional award based on the number of scoops of ice cream accumulated.

Therefore, the gaming device resulting from the combination of Weiss and Vancura does not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with at least one input device and the display device, for each play of a game, to (c) determine a number of each of the locations the symbol has moved to, (d) repeat (a) to (c) until the symbol moves to the first location, and (e)

provide a player an award based on the determined number of locations the symbol has moved to before the symbol moves to the first location. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Weiss in view of Vancura to result in such a gaming device without reasonably being construed as improper hindsight reconstruction. On the other hand, the gaming device of amended independent Claim 1 includes, among other elements, at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to (c) determine a number of each of the locations the symbol has moved to, (d) repeat (a) to (c) until the symbol moves to the first location, and (e) provide a player an award based on the determined number of locations the symbol has moved to before the symbol moves to the first location, the award being separate from any value which is associated with any of the locations prior to the symbol being moved to any of the locations.

For at least these reasons, amended independent Claim 1 is patently distinguished over Weiss and Vancura, and is in condition for allowance.

Claims 2 to 4 depend directly or indirectly from amended independent Claim 1 and are allowable for similar reasons, and because of the additional features recited in these claims.

Amended independent Claims 5, 9, 15, 21, 25, 29, 34, 51, 55, 59, and 63 each include certain elements similar to certain of the above-described elements of amended independent Claim 1 and are allowable for similar reasons. Claims 6 to 8, 10 to 14, 16 to 20, 22 to 24, 26 to 28, 31 to 33, 35 to 37, 52, 56, 60, and 64 each depend directly or indirectly from one of amended independent Claims 1, 5, 21, 25, 29, 34, 51, 59, and 63, and are allowable for similar reasons, and because of the additional features recited in these claims.

Amended independent Claim 21 is directed to a gaming device which includes, among other elements, at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to (c) determine

a number of each of the locations the symbol has moved to, (d) repeat (a) to (c) until the symbol moves to the first location, and (e) provide a player a total award based on any award associated with any of the locations the symbol is moved to and the determined number of locations the symbol has moved to before the symbol moves to the first location.

Applicant submits that Weiss and Vancura, alone and the gaming device resulting from the combination of Weiss and Vancura, does not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor, for each play of a game, to provide a player a total award based on any award associated with any of the locations the symbol is moved to and the determined number of locations the symbol has moved to before the symbol moves to the first location.

As stated above, the gaming devices of Weiss and Vancura provide the player an award based on the values associated with the locations or on the number of predetermined squares landed upon. Therefore, unlike the gaming device of amended independent Claim 21, neither Weiss nor Vancura, alone nor the gaming device resulting from the combination of Weiss and Vancura, anticipate or render obvious a gaming device which provides a player a total award based on any award associated with any of the locations the symbol is moved to and the number of determined locations the symbol has moved to before the symbol moves to the first location. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Weiss in view of Vancura to result in such a gaming device without reasonably being construed as improper hindsight reconstruction.

For at least these reasons, amended independent Claim 21 is patently distinguished over Weiss and Vancura, and is in condition for allowance. Claims 22 to 24 depend directly or indirectly from amended independent Claim 21 and are allowable for similar reasons, and because of the additional features recited in these claims.

Amended independent Claims 25 and 59 each include certain elements similar to certain of the above-described elements of amended independent Claim 21 and are allowable for similar reasons. Claims 26 to 28, and 60 to 62 each depend directly or

indirectly from amended independent Claims 25 and 59, and are allowable for similar reasons, and because of the additional features recited in these claims.

Amended independent Claims 38 is directed to, among other elements, at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to (c) each time the symbol moves to the at least one location associated with the setback condition, relocate the symbol to one of the designated locations further from the second location, (d) if the symbol moves to one location before the first location, cause a terminating condition to occur, (e) if the symbol moves to one location after the second location, cause the terminating condition to occur, and (f) repeat (a) to (e) until the terminating condition occurs.

Applicant submits that Weiss and Vancura, alone and the gaming device resulting from the combination of Weiss and Vancura, do not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor, for each play of the game, to (c) each time the symbol moves to the at least one location associated with the setback condition, relocate the symbol to one of the designated locations further from the second location, (d) if the symbol moves to one location before the first location, cause a terminating condition to occur, (e) if the symbol moves to one location after the second location, cause the terminating condition to occur, and (f) repeat (a) to (e) until the terminating condition occurs.

Column 1, lines 50 to 64 of Weiss discloses:

[a] first bonus event involves a playing path that a simulated character such as a dog is required to traverse. The number of steps that the simulated character takes is determined by a spinner located in a video screen which the player activates, preferably by touching. . . In addition, along the playing path are spaces which, if the character advances and stops thereat, signals the end of the bonus event. These spaces which indicate the end of the bonus event are entitled "Go Home".

In Weiss, if the character (interpreted by the Office Action as the symbol of independent Claim 1) "is directed to a space on the playing path that bears the nomenclature 'go home', the first bonus round is over and the game returns back to its normal playing

status." Weiss, column 4, lines 23 to 26. Under this interpretation of Weiss, when the character lands on a "go home" space, it is moved back to the home space (interpreted by the Office Action as the first location).

Column 7, line 22 to 25 of Vancura states that:

it is also within the scope of this invention to have designated squares act to move the player to other squares. This may be accomplished, e.g., via "Move ahead 3 squares" or "Go back 1 square" types of instructions.

For example, in Vancura, if the movable indicia lands on a predetermined square that acts to move the movable indicia to other squares, the movable indicia is moved backwards one or more squares. However, Vancura does not anticipate the movable indicia being relocated back to or beyond one of the predetermined squares before the "Start" square.

Therefore, the gaming device resulting from the combination of Weiss and Vancura does not anticipate or render obvious a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor, for each play of the game, to (c) each time the symbol moves to the at least one location associated with the setback condition, relocate the symbol to one of the designated locations further from the second location, (d) if the symbol moves to one location before the first location, cause a terminating condition to occur, (e) if the symbol moves to one location after the second location, cause the terminating condition to occur, and (f) repeat (a) to (e) until the terminating condition occurs. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Weiss in view of Vancura to result in such a gaming device without reasonably being construed as improper hindsight reconstruction.

Amended independent Claims 9, 15, 45, 55 and 67 each include certain elements similar to certain of the above-described elements of amended independent Claim 38 and are allowable for similar reasons. Claims 10 to 14, 16 to 20, 46 to 50, 56, and 68 each depend directly or indirectly from amended independent Claims 9, 15, 45, 55 and 67, and are allowable for similar reasons, and because of the additional features recited in these claims.

The Office Action rejected Claims 53, 54, 57, 58, 61, 62, 65, 66, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over Weiss in view of Vancura, and further in view of Admitted Prior Art. The Office Action stated that Weiss and Vancura lack disclosing operating a game method through a data network including the Internet. The Office Action also stated that one of ordinary skill in the art would have been motivated to modify Weiss in combination with Vancura and Admitted Prior Art in order to allow a player to control gaming devices from a remote location.

Applicant respectfully disagrees and submits that regardless of whether it would have been obvious to modify Weiss in combination with Vancura in view of Admitted prior art, unlike the methods of operating a gaming device of Claims 53 and 54, these references, alone or in combination, do not anticipate or render obvious, for each play of a game: (a) causing a display device to display a plurality of locations including a first location, wherein a plurality of the locations along a path are each associated with an award and at least one location is associated with a setback condition; (b) determining movement of a player symbol along the path toward the first location; (c) each time the symbol moves to the at least one location associated with the setback condition, relocating the symbol to one of the locations along the path further from the first location; (d) determining a number of each of the locations the symbol has moved to, (e) repeating steps (b) to (d) until the symbol is moved to the first location; and (f) providing a player an award based on the determined number of locations the symbol has moved to before the symbol is moved to the first location, the award being separate from any value which is associated with any of the locations prior to the symbol being moved to any of the locations. Moreover, it would not have been obvious to one of ordinary skill in the art to modify Weiss in combination with Vancura and Admitted Prior Art to result in such method of operating a gaming device without reasonably being construed as improper hindsight reconstruction.

For at least these reasons, and because of the additional features recited in these claims, Claims 53 and 54 are patently distinguished over Weiss in combination with Vancura and Admitted Prior Art and are in condition for allowance.

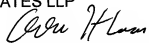
Claims 57, 58, 61, 62, 65, 66, 69, and 70, as amended, each include certain elements similar to certain of the elements of Claims 53 and 54, and are allowable for similar reasons, and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance, which is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L GATES LLP

BY



Adam H. Masia
Reg. No. 35,602
Customer No. 29159

Dated: August 4, 2009